

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW AND PARLTAMENTARY AFFAIRS DEPARTMENT
MUZAFFARABAD**

Dated the 14th January, 1987.

No. 134-138/LD/Leg (A) 37. The following Act of the Assembly received the ascent of the President on the 8th day of January, 1987 is hereby published for general information:-

(ACT VI OF 1987)

**AN
ACT**

further to amend the Azad Jammu and Kashmir Civil Servants Act, 1976

WHEREAS it is expedient to amend the Azad Jammu and Kashmir Civil Servants Act, 1976 (Act VI of 1976) in the manner hereinafter appearing;

It is hereby enacted as follows.-

1. **Short title and Commencement.** - (1) This Act may be called the Azad Jammu and Kashmir Civil Servants (Amendment) Act, 1987.
(2) It shall come into force at once.
2. **Amendment of section 2, Act VI of 1976.**- in the Azad Jammu and Kashmir Civil Servants Act, 1976 (Act VI of 1976) hereinafter referred to as the said Act, in sub-section (1) of Section 2, for clause (b) the following shall be substituted:-
“(b) “Civil Servant” mean a person who is appointed to any service or holds a civil post in service of Azad Jammu and Kashmir, employed in connection with the affairs of the state, but does not include.-
 - (i) a person who is on deputation on the service of Azad Jammu and Kashmir with affairs of the Government, from the Council or the Federation or any province of Pakistan or Authority;
 - (ii) a person who is employed on contract, or on work-charge basis, or
 - (iii) a person who is a ‘worker’ or ‘workman’ as defined in the Factories Act, 1934 (XXV of 1934) or the workman’s Compensation Act, 1923 (VIII of 1923).”
3. **Amendment of Section 7, Act VI of 1976.**- In the said Act, in Section 7, after sub-section (4) the following new sub-section (5) shall be inserted and shall be deemed to have taken effect on and from the 14th day of April, 1976.-

“(5) Notwithstanding anything contained in this Act or in any other law for the time being in force, a medical practitioner who, following his release from service with the Armed Forces having rendered satisfactory service under the Compulsory Service in Armed Forces Ordinance, 1971 (XXXI of 1971) of Pakistan for a period of not less than two year, enters employment of the Government, shall be entitled to count towards his seniority in such employment the period of service rendered by him under the aforesaid Ordinance and to his pay in such employment being fixed after giving him credit for the service so rendered.”

4. **Amendment of Section 12, Act, VI of 1976.**-In the Azad Jammu and Kashmir Civil Servants Act, 1976 (Act VI of 1976), for the existing section 12, the following shall be substituted.-

“12. **Retirement from service.**- A civil servants shall retire from service.-

- (i) in case of a person holding a post equivalent to the post of Additional Secretary to Government of Pakistan or a higher post, on such date as the competent authority may in the public interest direct;
- (ii) in any other case, on such date after he has completed twenty five years of service qualifying for pension or other retirement benefits, as the Government or the competent authority may, in the public interest, direct; or
- (iii) where no direction is given under clause (i) or clause (ii), on the completion of Sixtieth year of his age.

Explanation: In this Section “competent authority” means the appointing authority or a person duly authorised by the appointing authority in that behalf, not being a person lower in rank to the civil servant concerned.”

5. **Insertion of new Section 12-A Act VI of 1976.**- In the said Act, after Section 12 he following new Section 12-A, shall be inserted, namely.-

“12-A. **Certain persons to be liable to removal or reversion.**- Notwithstanding anything contained in his terms and conditions of service, a civil servant appointed or promoted during the period from the sixteenth day of

April, 1975, to the eleventh day of August 1977, may remove from service or reverted to his lower post or grade, as the case may be, without notice, by the President or a person authorised by him in this behalf, on such date as the president or, as the case may be, the person so authorised may, in the public interest, direct:

Provided that the provisions this Section shall not apply to the Civil Servants declared suitable by the Public Service Commission or the Selection Board, as the case may be.

6. **Amendment of Section 13, Act VI of 1976.**- In the said Act, in Section 13, after sub-clause (I) for the proviso the following shall be substituted:

“Provided that no retired Civil Servant shall be re-employed or continued to be so employed after he has completed 63 years, of his age.”
7. **Savings.**- Notwithstanding any judgment, decree or order of any court, including High Court, everything done, all actions taken, notifications issued orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Civil Servants (Amendment) Ordinance, 1977 (Ordinance XII of 1977) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Act.
5. **Repeal.**- The Azad Jammu and Kashmir Civil Servants (Amendment) Ordinance, 1986 (Ordinance LXXV of 1986) is hereby repealed.

Sd/-

(Syed Atta Mohy-ud-Din Qadri)
Deputy Secretary Law